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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,564	02/19/2004	Laura Culli	P24613	1702

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,564

Applicant(s)

CULLI ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,088,433. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-21 of this pending application and claims 1-20 of U.S. Patent No. 6,088,433 are similar in scope with some obvious wordings variations. For instance, the hub system in claim 1 of U.S.

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Patent No. 6,088,433 reads on the original destination switch and the hub switch (see col. 12, ln. 11-21). All of the limitations of claims 1, 8 and 15 of this pending application are covered by claims 1, 11 and 19 of U.S. Patent No. 6,088,433.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 8, 11-13, 15, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al (6,018,575).

Consider claims 1, 8, 15. Gross teaches a switching system comprising a hub switch (switch 150) that receives at least one rerouted call from at least one corresponding original destination switch (LEC switch 146), the hub switch inherently associated with a routing number prefix (column 6, lines 14-27) used to reroute calls from the at least one corresponding original destination switch to the hub switch, the routing number prefix causing the hub switch to initiate a trigger (column 6, lines 14-62) to a network platform (DAP 154 and platform 10) that obtains the new called party destination number (subscriber's alternate destination 178; column 6, line 63 to column 7, line 16).

Consider claims 4, 11, 18. Gross further teaches the hub switch further forwarding the routing number prefix and a code identifying the at least one original destination switch (it is

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noted that the routing label is specifically used in the context of the SS7 MTP level 3 protocol to identify the field which contains the origination point code and destination point code. The LEC switch 146 (e.g., the original destination switch) routes the call to the IEC switch 150.

Therefore, the routing label would contains a code that identifies the original destination switch) to the network platform to be used to determine a number plan area (NPA) of the old called party destination number (col. 6, ln. 40-67, col. 7, ln. 1-16).

Consider claims 5, 12, 19. Gross further teaches the routing number prefix is determined based on a number plan area (NPA) corresponding to an area served by the at least one original destination switch (column 6, lines 14-27).

Consider claims 6, 13, 20. Gross further teaches a database (DAP 154) that stores the old called party destination number (column 6, lines 17-21; column 6, line 63 to column 7, lines 16) in associated with the new called party destination number (column 6, line 63 to column 7, lines 16), the network platform obtaining the new called party destination number from the database and forwarding the new called party destination number to the hub switch (column 6, line 63 to column 7, lines 16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 7, 9-10, 14, 16-17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al (6,018,575) in view of Slusky (5,487,111).

Consider claims 2-3, 9-10, 16-17. Gross does not teach determining whether the calling party or the called party is charged for the forwarding call.

Slusky teaches determining whether the calling party or the called party is charged for the forwarding call (column 7 lines 55-67; column 8 lines 37-44; figure 5, steps 529-530).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Slusky into the teachings of Gross in order to conveniently provide both the caller and called parties the option of paying for the forwarding call in case either one of the parties cannot pay for the call.

Consider claims 7, 14, 21. Slusky further teaches determining whether the calling party or the called party is charged for the forwarding call (column 7 lines 55-67; column 8 lines 37-44; figure 5, steps 529-530).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen
Primary Examiner
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7/22/05